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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,822

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H. Fisk Johnson III

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EXAMINER

DZIERZYNSKI, EVAN P

ART UNIT

PAPER NUMBER

2875

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,822	Applicant(s) JOHNSON III ET AL.	
	Examiner EVAN DZIERZYNSKI	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6, 11, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Calon et al. US PAT 6688753.

As for claim 1, Calon discloses an illumination socket 70 mounting an illumination bulb Fig 1 chosen from the group consisting essentially of incandescent bulbs, fluorescent bulbs 10, and halogen bulbs, which the bulb emits light when supplied with electrical power (col 3, ln 35+), a plurality of LEDs (col 3, ln 44) which emit light of different colors when supplied with electrical power (col 2, ln 55+), a base 70 in which the illumination socket and the LEDs are positioned in proximity to each other (Fig 1), a first electrical circuit connected to supply power to an illumination bulb 10 mounted in the socket causing the bulb to emit light, a second electrical circuit connected to supply power to the LEDs causing the LEDs to emit light of different colors, and a switching means (col 2, ln 1+, col 4, ln 23+) for selectively switching the application of electrical power between the first electrical circuit and the second electrical circuit (abstract, col 4, ln 23+).

As for claim 5, Calon discloses an illumination source chosen from the group consisting essentially of incandescent, fluorescent 10, and halogen light emitting devices that emit light (col 3, ln 35+), a plurality of LEDs (col 3, ln 44) which emit light of different colors (col 2, ln 55+), a base 70 on which the illumination source and the LEDs are mounted in proximity to each other (Fig 1), the base being configured to mount in a light bulb socket (via 71, Fig 1), a first electrical circuit (col 4, ln 23+) connected to supply power to the illumination source 10 mounted, a second electrical circuit (col 2, ln 55+, col 4, ln 23+) connected to supply power to the LEDs, and a switch (col 2, ln 1+, col 4, ln 23+) for selectively switching the application of electrical power between the first electrical circuit and the second electrical circuit (abstract, col 4, ln 23+).

As for claim 11, Calon discloses a base 70, 71 configured to mate with a light bulb socket (Fig 1), at least one compact fluorescent bulb (10, abstract) mounted on the base (Fig 1), a plurality of LEDs (col 3, ln 44) mounted on the base (20, Fig 1), which emit light of different colors (col 2, ln 55+), a control circuit (col 4, ln 23+) which supplies power from the light socket (via 73a, 73b), when the base is mounted therein, to the at least one fluorescent bulb and the plurality of LEDs (Fig 1), and a translucent housing 60 mounted on the base and containing the at least one fluorescent bulb and the plurality of LEDs (Fig 1).

As for claims 2 and 6, Calon discloses a dimmer to adjust the intensity of the illuminating light (col 1, ln 65).

As for claim 20, Calon discloses that the at least one fluorescent bulb and the plurality of LEDs are powered from a common circuit board (col 4, ln 23+ control circuit).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. in view of Vanderschuit and Dowling US 2003/0214259 .

As for claim 9, Calon fails to teach or disclose a sensor, a programmable circuit connected to the second electrical circuit, wherein the programmable circuit adjusts one of the intensities and colors of the light of different colors in response to a signal from the sensor. Vanderschuit teaches a programmable circuit (paragraph 0033, control circuit 46) configured to adjust the intensities of lights of different colors (paragraph 0035). It would have been obvious for one of ordinary skill in the art to use the programmable processor of Vanderschuit with second circuit of the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light. As for providing a sensor, Dowling teaches a sensor that response to sound or temperature that produces color changing effects in a lighting device (paragraph 0108). It would have been obvious for one of ordinary skill in the art to provide the sensor of Dowling with the device of Calon where it is desired to alter the effects of the lighting device in response to environmental measurements such as

Art Unit: 2875

temperature or ambient sound. One would have been motivated to make this combination for providing pleasing effects for the device of Calon.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. in view of Martich US PAT 5961204.

As for claim 10, Calon fails to teach or disclose that the illumination source is releasably mounted in the light bulb. Martich teaches an illumination source that is releasably mounted in a light bulb (14, col 3, ln 30+). It would have been obvious for one of ordinary skill in the art to use the replaceable illumination sources of Martich with the device of Calon to allow the user to replace the CFL tube at the end of its life. One would have been motivated to make this combination to extend the life of the entire lighting apparatus.

Claims 12, 14-19, 21-23, rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al.

As for claim 12, Calon fails to specifically teach or disclose a plurality of compact fluorescent bulbs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of compact fluorescent bulbs for more lighting, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As for claims 14-19, Calon further discloses that the LEDs 20 are positioned around the fluorescent bulb 10 in a circumferential direction, and discloses that the

Art Unit: 2875

LEDs are different color LEDs (col 2, ln 55+). See the discussion in regard to claim 12 above for providing a plurality of CFLs.

As for claims 21-23, Calon discloses that the fluorescent bulb emits light, but fails to teach or disclose the range of the fluorescent bulb being 160-4200, 240-2625, and 320-2100 lumens. Since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calon in view of Li 2003/02233230.

As for claim 13, the bulb of Calon is about 2 to 21 inches in length (Fig 1), but fails to show a plurality of folds to form lengths extending up from the base within the housing. Li teaches a CFL with a plurality of folds that extend up from a base (Fig 4). It would have been obvious for one of ordinary skill in the art to use the coiled, folded CFL of Li with the device of Calon to provide a CFL with a plurality of loops for more luminance. One would have been motivated to make this combination to improve the lighting device of Calon.

Claims 3, 4, 7, 8, 24-29, 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. in view of Vanderschuit US 2004/0264187.

As for claims 3 and 7, Calon fails to teach or disclose the second electrical circuit with a dimmer for selective adjustment of the intensities of light of different colors. Vanderschuit teaches a dimmer (paragraph 0033, control circuit 46) switch that controls intensity of LEDs (paragraph 0035) of different colors. It would have been obvious for

Art Unit: 2875

one of ordinary skill in the art to use the dimmer circuitry of Vanderschuit with the second circuit of the lighting device of Calon to provide an improved means of controlling the intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light.

As for claims 4 and 8, Calon fails to teach or disclose a programmable circuit connected to the second circuit configured to adjust the intensities of the light of different colors according to a predetermined program. Vanderschuit teaches a programmable circuit (paragraph 0033, control circuit 46) configured to adjust the intensities of lights of different colors (paragraph 0035) according to a predetermined program. It would have been obvious for one of ordinary skill in the art to use the programmable processor of Vanderschuit with second circuit of the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light.

As for claim 24, Calon discloses a user interface (toggle-switch) that controls the activation of the light emitted from the plurality of LEDs (col 2, ln 3+), but fails to teach or disclose that the user interface allows for programming of the color of light to be emitted by the LEDs. Vanderschuit teaches a user interface that allows for programming of color and intensity of light emitted (paragraph 0033, 0035). It would have been obvious for one of ordinary skill in the art to use the switch and circuitry of Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the

Art Unit: 2875

light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light.

As for claims 25-28, Vanderschuit teaches a processor 46 for controlling the control circuit to control the plurality of LEDs 18 to produce at least one predetermined presentation of light which varies, during the presentation (paragraph 0033, modes), at least one of the color and the intensity from the housing by the plurality of LEDs (paragraph 0033), and further teaches a memory (48, integrated circuit assembly) storing one or more programs defining the predetermined presentation (paragraph 0033), a user interface 50 to select a presentation that allows a user to perform activating one or more of a plurality of predetermined presentations (paragraph 0033). It would have been obvious for one of ordinary skill in the art to use the processor with control circuitry, light shows, memory, and activations means Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light that allows a user to select among various operating modes for the LEDs (paragraph 0033, Vanderschuit).

As for claim 29, Calon further discloses activating/deactivating the device by a remote control mechanism (col 1, ln 55). See the discussion above in regard to claim 28 for combining with Vanderschuit for a processor that can activate one or more of a plurality of predetermined presentations.

As for claim 32, Calon discloses a base 70, 71 configured to mat with a light bulb socket (Fig 1), a light fluorescent light emitting device 10 mounted on and receiving

Art Unit: 2875

power from the base (via circuitry and 73a, 73b), a plurality of LEDs (col 3, ln 44) mounted on and receiving power from the base, the LEDs emit light of different colors (col 2, ln 55+), a translucent housing 60 mounted on the base containing the light emitting device and the plurality of LEDs (Fig 1). Calon also discloses the use of a dimmer switch (col 1, ln 60+) but fails to specifically teach or disclose a programmable processor that controls the activation, color, and intensity of the light emitted from the LEDs. Vanderschuit teaches a programmable processor (paragraph 0033, control circuit 46) switch that controls the color and intensity of LEDs (paragraph 0035). It would have been obvious for one of ordinary skill in the art to use the programmable processor of Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light.

As for claim 33, Calon discloses that the fluorescent bulb emits light, but fails to teach or disclose the range of the fluorescent bulb being 320-2100 lumens. Since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233.

As for claim 34, Calon discloses that LEDs are mounted in a circumferential direction (20, Fig 1), and are different color LEDs (col 2, ln 55+). As for providing a plurality of adjacent LEDs circumferentially, Vanderschuit teaches a plurality of LEDs that are adjacent to one another and are circumferentially placed around a bulb (18, Fig 1). It would have been obvious for one of ordinary skill in the art to provide a plurality of

Art Unit: 2875

LEDs in an adjacent circumferential manner for the device of Calon for more luminance and aesthetic reasons. One would have been motivated to make this combination where more LED luminescence is desired.

As for claim 35, Calon discloses the device as discussed above, but fails to teach or disclose a memory for storing programs for instructing the processor to perform a plurality of predetermined presentations of light emission, each of which varies at least one of the color and intensity of light emitted from the housing by the plurality of LEDs. Vanderschuit teaches a memory (48, integrated circuit assembly) for storing programs for predetermined presentation of light which varies, during the presentation (paragraph 0033, modes), at least one of the color and the intensity from the housing by the plurality of LEDs (paragraph 0033), and further teaches a memory storing one or more programs defining the predetermined presentation (paragraph 0033), a user interface 50 to select a presentation that allows a user to perform activating one or more of a plurality of predetermined presentations (paragraph 0033). It would have been obvious for one of ordinary skill in the art to use the processor with control circuitry, light shows, memory of Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light that allows a user to select among various operating modes for the LEDs (paragraph 0033, Vanderschuit).

As for claim 36, Calon discloses the use of a remote controller (col 1, ln 55+). See the discussion in regard to claim 35 for combining with Vanderschuit for the

Art Unit: 2875

programs. It would have been obvious for one of ordinary skill in the art and ingenuity to place the controller switch for selecting the light show programs on the remote control device for the user, so that the user does not have to press a switch located on the bulb to change the predetermined program. *KSR International Co. v. Teleflex Inc.*, 550 U.S. - , 82 USPQ2d 1385 (2007).

As for claim 37, Calon discloses a base 70, 71 configured to mat with a light bulb socket (Fig 1), a light fluorescent light emitting device 10 mounted on and receiving power from the base (via circuitry and 73a, 73b), a plurality of LEDs (col 3, ln 44) mounted on and receiving power from the base, the LEDs emit light of different colors (col 2, ln 55+), a translucent housing 60 mounted on the base containing the light emitting device and the plurality of LEDs (Fig 1), and further discloses a user interface (toggle-switch) that controls the activation of the light emitted from the plurality of LEDs (col 2, ln 3+). Calon also discloses the use of a dimmer switch (col 1, ln 60+) but fails to specifically teach or disclose that the toggle switch controls the color and intensity of the light emitted from the LEDs. Vanderschuit teaches a switch that controls the color and intensity of LEDs (paragraph 0035). It would have been obvious for one of ordinary skill in the art to use the switch and circuitry of Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light.

As for claim 38, Vanderschuit further teaches a processor 46 for controlling the control circuit to control the plurality of LEDs 18 to a plurality of predetermined

Art Unit: 2875

presentations of light emission stored in a bulb which varies, during the presentation (paragraph 0033, modes), at least one of the color and the intensity from the housing by the plurality of LEDs (paragraph 0033). See the discussion in regard to claim 37 for the motivation for combining Vanderschuit with Calon. It would have been obvious for one of ordinary skill in the art to combine the control circuitry with light shows of Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light that allows a user to select among various operating modes for the LEDs (paragraph 0033, Vanderschuit).

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. in view of Weng US PAT 6759966.

As for claims 30 and 31, Calon fails to teach or disclose a sensor for sensing power activation so as to enable the user to remotely control the processor by toggling a power switch that controls the power through the light socket on which the bulb is mounted, wherein the sensor that enables the processor to be remotely controlled by one of a infrared and radio signal. Weng teaches a sensor 22 for sensing power activation (col 2, ln 18+) so as to enable the user to remotely control the processor by toggling a power switch (col 2, ln 66) that controls the power through the light socket on which the bulb is mounted, wherein the sensor that enables the processor to be remotely controlled by one of a infrared and radio signal (col 2, ln 20+). It would have been obvious for one of ordinary skill in the art to use the sensor, switching means, and

Art Unit: 2875

radio frequency wireless communication means of Weng in the device of Calon to provide an improved remote controlling means for the controlling of a bulb to be turned on or off through a wireless remote control way (col 1, ln 32+). One would have been motivated to make this combination to provide an improved wireless means that allows bulbs to be zoned or grouped to achieve convenience and flexibility in management.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVAN DZIERZYNSKI whose telephone number is (571)272-2336. The examiner can normally be reached on Monday through Friday 8:00 am -4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on M-F (571)-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. D./
Examiner, Art Unit 2875

/Ali Alavi/
Primary Examiner, Art Unit 2875